

REMARKS

This Amendment is submitted in response to the Office Action dated May 25, 2004, having a shortened statutory period set to expire August 25, 2004.

In paragraph 3 of the Office Action, Claims 3-9, 18-19 and 21-25 are allowed. Applicant thanks the Examiner for the indication of allowance.

In paragraph 2 of the present Office Action, Claims 10-12 and 14-15 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,460,593 to *Mersky et al. (Mersky)*. In addition, Claim 13 is objected to as being dependent on rejected base Claim 10, but indicated as allowable if rewritten in independent form including all of the limitation of the underlying base claim.

In response to this rejection, Applicant has amended Claim 10 to include the features formerly recited in Claim 13, which is canceled herein. Accordingly, Applicant respectfully submits that Claim 10 and its dependent claims are in condition for allowance.

Applicant further believes that Claim 14, which is rewritten herein in independent form, is patentable over *Mersky* because *Mersky* does not teach or suggest “removably installing an oral appliance including said energy source in a mouth so that the energy source is in proximity to the tooth” and “thereafter, removing said oral appliance and said energy source from said mouth utilizing no more than manual force.” As shown in Figures 4 and 5 of *Mersky*, *Mersky* clearly teaches cementing a bracket to the tooth with a conventional orthodontic adhesive resin (*Mersky*, col. 6, line 33). Clearly, *Mersky*’s oral appliance cannot be removed from the tooth “utilizing no more than manual force” as now recited in Claim 14. Applicant therefore respectfully submits that *Mersky* does not render Claim 14 unpatentable.

Having now responded to each of the rejections and objections set forth in the present claims, Applicant respectfully submits that all pending claims are in condition for allowance and respectfully requests such allowance.

Enclosed is a check in the amount of \$43.00 for one additional independent claim in excess of 3. No fee or extension of time is believed to be required; however, in the event any fee, including a fee for an extension of time, is required, please charge that fee to firm **Deposit Account No. 50-3083**.

Respectfully submitted,

A handwritten signature in cursive script, reading "Brian F. Russell", is written over a horizontal line.

Brian F. Russell

Reg. No. 40,796

DILLON & YUDELL LLP

8911 N. Capital of Texas Hwy., Ste 2110

Austin, Texas 78759

(512) 343-6116

ATTORNEY FOR APPLICANTS